To amend title 5, United States Code, to remove limitations on Federal employment for an individual legally using marijuana under the law of the State in which the individual resides, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. Crist (for himself and Mr. Ferguson) introduced the following bill; which was referred to the Committee on

A BILL

To amend title 5, United States Code, to remove limitations on Federal employment for an individual legally using marijuana under the law of the State in which the individual resides, and for other purposes.

1 Be it enacted by the Senate and House of Representa-

2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Fairness in Federal

5 Drug Testing Under State Laws Act”.

(Original Signature of Member)
SEC. 2. FEDERAL EMPLOYMENT AND INDIVIDUALS USING MARIJUANA IN COMPLIANCE WITH STATE LAW.

(a) In General.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

“§ 3330f. Federal employment and individuals using marijuana in compliance with State law

“(a)(1) An individual whose residence is in a State where that individual’s private use of marijuana is not prohibited, who is tested under a drug testing program of any Executive agency without probable cause to believe that the individual is under the influence of marijuana, who tests positive for past marijuana use (determined by the presence of tetrahydrocannabinol or marijuana metabolite in the sample provided by the individual), and, in the case of an individual whose use of marijuana was for medical purposes, who is able to provide documentation (in such form and manner as the Office of Personnel Management may prescribe) attesting to the lawful nature of such use under the law of the State, may not, based solely on such positive test, be—

“(A) denied employment at an Executive agency; or
“(B) if the individual is an employee of the Ex-
ecutive agency, subject to any other adverse per-
sonnel action.
“(2) For purposes of this section—
“(A) the term ‘Executive agency’ has the mean-
ing given that term in section 105, and includes the
United States Postal Service and the Postal Regu-
laratory Commission;
“(B) the term ‘marijuana’ means marihuana
(as such term is defined in section 102(16) of the
Controlled Substances Act (21 U.S.C. 802(16));
“(C) the term ‘individual’ does not include any
individual applying for or occupying a position at an
Executive agency which requires a top secret clear-
ance or access to a highly sensitive program (as that
term is defined in section 3001(a)(4) of the Intel-
ligence Reform and Terrorism Prevention Act of
2004 (50 U.S.C. 3341(a)(4)); and
“(D) the term ‘State’ means any State, the
District of Columbia, the Commonwealth of Puerto
Rico, the Commonwealth of the Northern Mariana
Islands, the Trust Territory of the Pacific Islands,
the Virgin Islands, Guam, American Samoa, or any
other territory or possession of the United States.”.
(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by inserting after the item relating to section 3330e the following:

“3330f. Federal employment and individuals using marijuana in compliance with State law.”.